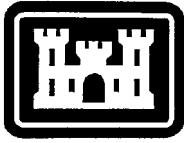


PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Permit No. 200400377
Issue Date: January 23, 2004
Expiration Date: February 22, 2004**

30-Day Notice

APPLICANT

Kansas City District, Corps of Engineers
700 Federal Building
601 E. 12th St.
Kansas City, MO 64106-2896

PROJECT SPONSORS

Southern Iowa Development and Conservation Authority
and
Iowa Department of Natural Resources

PROJECT LOCATION (As shown on the attached drawings): **ACTIVITY #1 (construction of upland ponds and/or wetlands)** – On tributary streams in the watershed of Rathbun Lake, on private property and on property owned by the U.S. Army Corps of Engineers – Kansas City District at Rathbun Lake, including areas in Wayne, Lucas, Monroe, Appanoose, Clarke and Decatur Counties, Iowa. **ACTIVITY #2 (shoreline restoration)** – On property owned by the U.S. Army Corps of Engineers – Kansas City District at Rathbun Lake in Appanoose County, Iowa.

AUTHORITIES: Section 404 of the Clean Water Act (33 USC 1344), Section 206 of the Water Resources Development Act (WRDA) of 1996, and Section 1135 of the Water Resources Development Act of 1986.

ACTIVITY (As shown on the attached drawing): **PROPOSED WORK:** The applicant, at the request of the project sponsors, proposes to construct the Upper Chariton/Rathbun Lake Watershed Aquatic Ecosystem Restoration Project. The proposed ecosystem restoration project includes two types of activity: Activity #1 -construction of upland ponds and/or wetlands at numerous locations in the Rathbun Lake watershed; and Activity #2 – shoreline restoration at twelve (12) sites on Rathbun Lake. Activity #1 would be sponsored by the Southern Iowa Development and Conservation Authority and authorized under Section 206 of the Water Resources Development Act of (WRDA) 1996. Activity #2 would be partially sponsored by the Southern Iowa Development and Conservation Authority and their portion of the proposed work would be authorized under Section 206 of the Water Resources Development Act of (WRDA) 1996. In addition, the Iowa Department of Natural Resources would sponsor a portion of the proposed shoreline restoration work and this portion would be authorized under Section 1135 of the Water Resources Development Act of 1986. Proposed construction for both activities would begin in 2004 and would continue through 2010. Future operations and maintenance costs

associated with the project would be the responsibility of the project sponsors. The Corps has made a preliminary determination that the project as proposed would not be contrary to the public interests and is in compliance with the Section 404(b)(1) Guidelines. The overall project purpose is to improve the water quality in Rathbun Lake and its watershed; improve aquatic, wetland, and wildlife habitat in the reservoir and the watershed. Some ancillary benefits of the proposed project are: livestock watering; increased recreation opportunities for landowners; improved subsurface water quality; reduced streambank erosion; slowing of floodwaters; and rural fire protection.

PROPOSED WORK: ACTIVITY #1: Construction of upland ponds and/or wetlands on tributaries in the watershed of Rathbun Lake. The proposed activity would involve the placement of earthen fill material in tributary stream channels to create upland ponds and/or wetlands. The proposed upland ponds and/or wetlands would be constructed on private land and on fee land of the U.S. Army Corps of Engineers – Kansas City District, in the Rathbun Lake watershed to provide aquatic habitat and to trap sediment and chemicals entering the watershed. Proposed upland pond structures would be constructed as road and non-road structures, would be at least 8-feet deep, have a 30-year project life, and be fenced to exclude livestock. Proposed wetland structures would seasonally to semi-permanently flooded shallow pools with an average 3-foot depth. Each structure would have a water control structure and spillway. Some on-road structures would include dry hydrants. Clearing of woody vegetation would be restricted to the minimum area necessary to complete construction. Earthen material needed to construct the structures would be excavated from within the basin or nearby areas. Site selection criteria would include: sediment loads; soils; habitat; nutrient loading; land treatments/use; and distance from Rathbun lake. The exact location of the structures would be dependant on landowner interest within the watershed. The overall number of structures that would be constructed would be dependent on landowner interest and funding availability. The stated project goal is to construct approximately 200 non-road ponds and/or wetlands and 30 on-road ponds during the 6-year construction period.

PROPOSED WORK: ACTIVITY #2: Shoreline restoration at twelve (12) sites on Rathbun Lake. The applicant proposes to restore the shoreline at twelve (12) sites on Rathbun Lake. The proposed shoreline restoration would be accomplished using geotextile, rock riprap, and/or vegetation plantings. Water quality studies completed by the project sponsors have determined that 50% of the sediment entering Rathbun Lake is a result of lakeshore erosion due to wind and water activity and changing lake water levels. The project goal is to construct approximately 3,900 linear feet of shoreline restoration during the 6-year construction period. The ordinary high water mark elevation at Rathbun Lake is 907.0 feet, mean sea level.

WETLANDS: ACTIVITY #1 – Some minor wetland impacts could occur during construction of the proposed pond/wetland areas. Generally any placement of fill material in wetlands would be used to expand existing wetland areas, resulting in a net benefit to wetlands and associated aquatic resources. Proposed ponds would be located to avoid wetland impacts by direct fill activities and prevent the conversion of existing wetlands to deep-water habitat. At pond sites having unavoidable wetland impacts, design features would be included to offset wetland losses by the establishment of replacement wetlands in upstream areas of the pond.

ACTIVITY #2 – No wetlands would be affected by the proposed shoreline restoration activities.

DRAWINGS: The attached drawings provide location details of the proposed project.

ADDITIONAL INFORMATION: Additional information about this application can be obtained by writing **Mr. David R. Hoover, Environmental Resources Section, U.S. Army Corps of Engineers, Kansas City District, 700 Federal Building, Kansas City, Missouri 64106-2896** or by calling **816-983-3147 (FAX 816-426-2142)**.

PROPERTY ADJACENT TO PROJECT AREA: ACTIVITY #1 – Proposed construction area and property adjacent to the project area is typically private property and will remain as private property upon completion of the project. Some projects may be built on property of the U.S. Army Corps of Engineers – Kansas City District. **ACTIVITY #2** – All projects would be constructed on property of the U.S. Army Corps of Engineers – Kansas City District.

CULTURAL RESOURCES: The Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. Prior to the construction at any specific project site, the Corps will check the National Register of Historic Places and the Federal Register to ensure that no property listed in the Register or proposed for listing is located in the permit area. In addition, the Corps will complete a field reconnaissance survey of the project area to determine if any historic properties are present. The Corps will coordinate this review with the State Historic Preservation Officer. A project site would not be constructed if the Corps determined that the proposed activity would affect any historic property eligible, proposed or listed on the National Register of Historic Places.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline

erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army permit. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 1 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

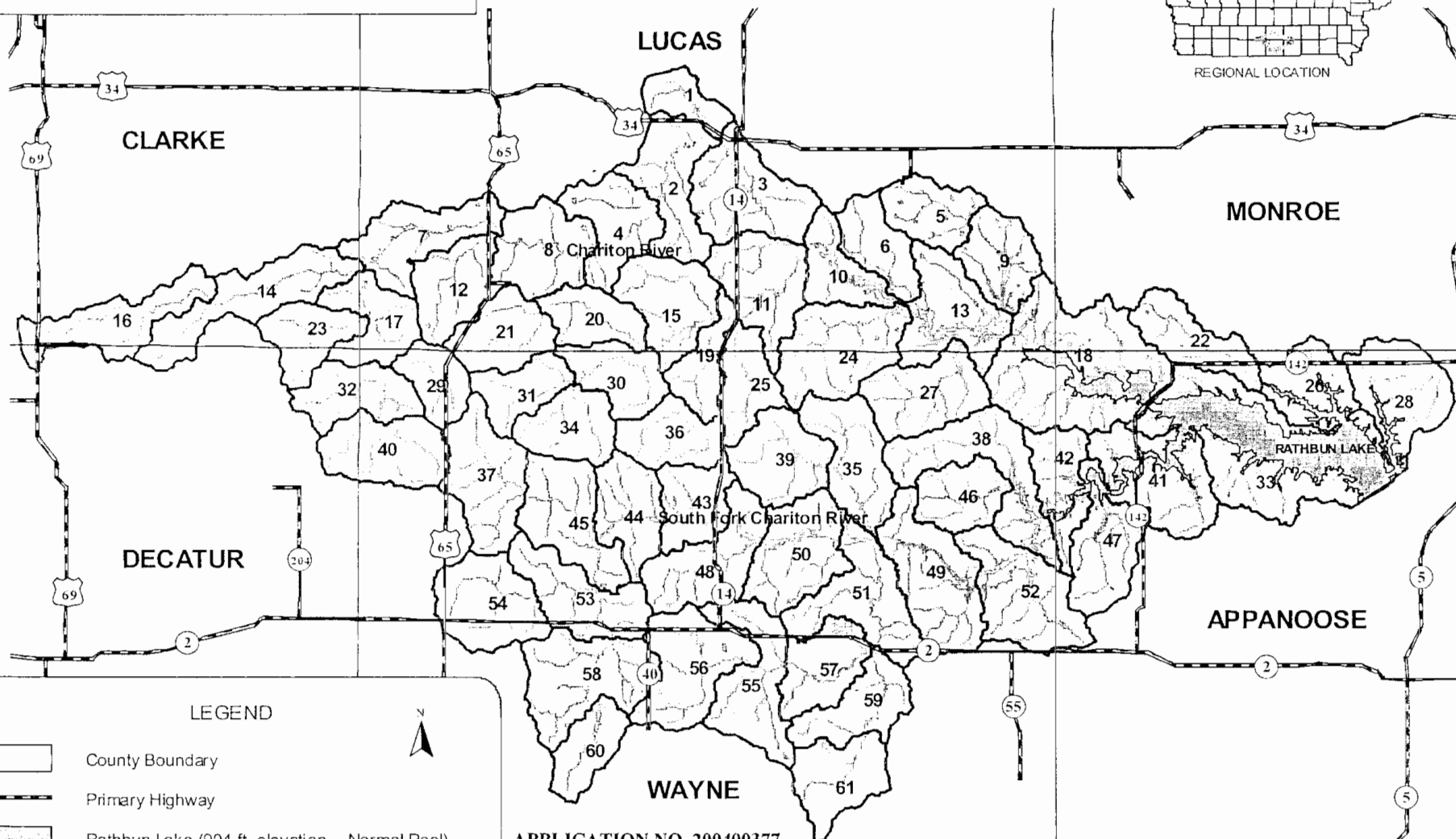
NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps will utilize comments received in response to this Public Notice to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations, including this review for project compliance with the requirements of Section 404 of the Clean Water Act.

PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT
PUBLIC NOTICE NO. 200400377

	YES	POTENTIAL EFFECTS	NO
I. Physical Effects			
Potential destruction of wetlands.....	X*		
Impact on water column.....	X		
Covering of benthic communities.....	X		
II. Chemical-Biological Interactive Effects			
A. Adverse effect of chemical constituents on water column.....			X
B. Adverse effect of chemical constituents on benthos			X
III. Applicable Water Quality Standards			
A. Will activity be in conformance with applicable standards?.....	X		
IV. Selection of Disposal Sites			
A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem.....	X		
B. Have the needs for the proposed activity been considered?.....	X		
C. Have alternatives been considered?.....	X		
D. Impacts on water uses at the proposed disposal site			X
E. Have mitigation measures to minimize harmful effects been considered?.....	X		
V. Contamination of Fill Material			
A. Contamination of fill material if from a Land source.....			X
VI. Mixing Zone			
A. Have mixing zone determinations been established for each disposal site?.....	X		
VII. Impacts to Navigation			
A. Impairment to maintenance of navigation.			X
B. Economic impact on navigation and anchorage.....			X
VIII. Public Participation and Coordination			
A. Will a public interest review be conducted?.....	X		

* Some minor wetland impacts could occur during construction of the proposed pond/wetland areas.

RATHBUN LAKE WATERSHED (Rathbun Lake Subwatersheds) South Central Iowa

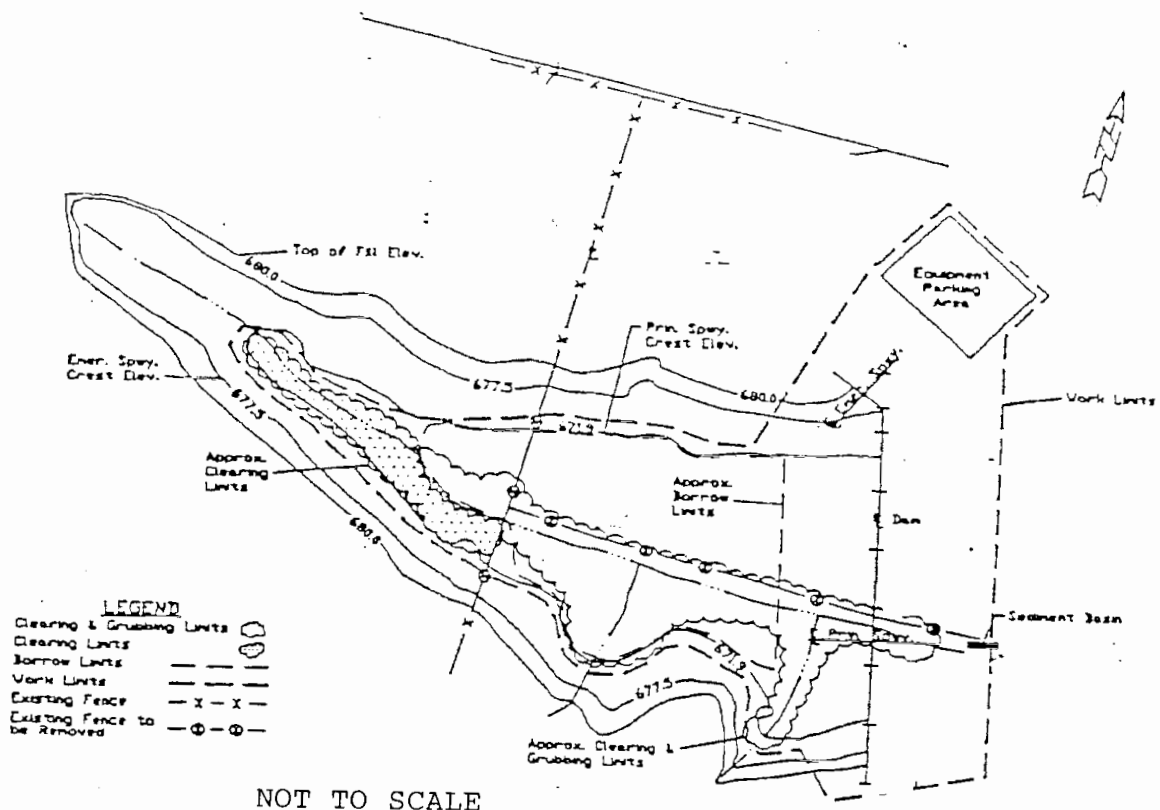


APPLICATION NO. 200400377
 BY: U.S. ARMY CORPS OF ENGINEERS
 - KANSAS CITY DISTRICT
 FOR: PLACEMENT OF FILL MATERIAL TO
 CONSTRUCT UPLAND PONDS/WETLANDS
 AND SHORELINE RESTORATION
 IN: TRIBUTARY STREAMS IN THE RATHBUN LAKE
 WATERSHED AND IN RATHBUN LAKE
 AT: WAYNE, LUCAS, MONROE, APPANOOSE,
 CLARKE, AND DECATUR COUNTIES, IOWA
 SHEET 1 of 4

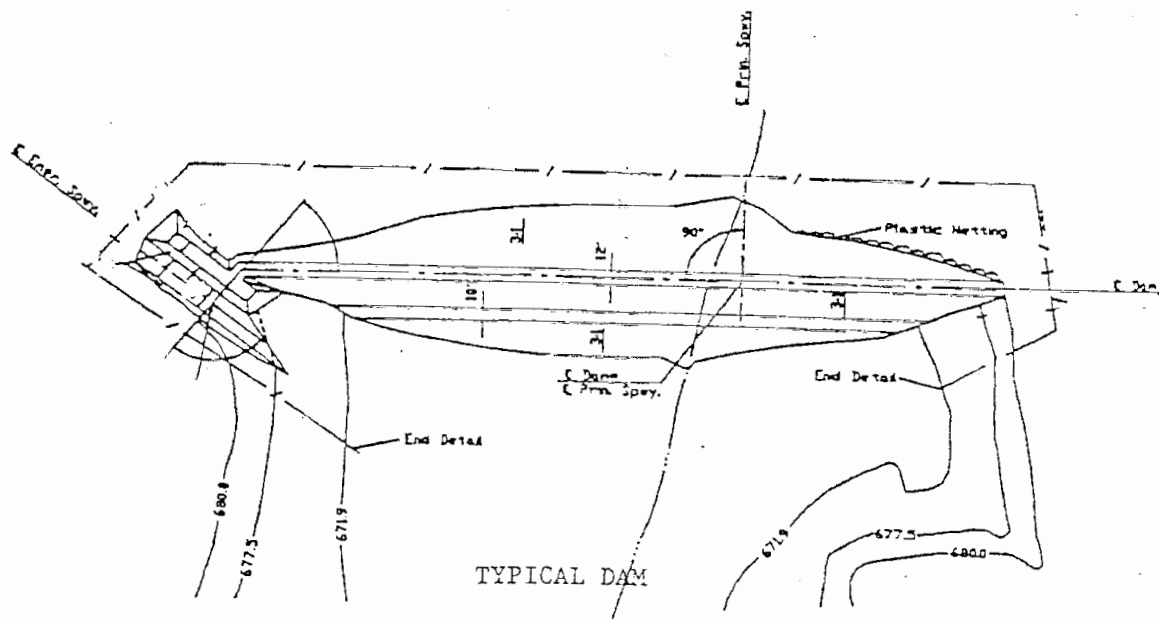
5 0 5 Miles

PROJECT LOCATION

ACTIVITY #1 - PROPOSED UPLAND
 PONDS AND/OR WETLANDS - ON
 TRIBUTARIES IN THE RATHBUN
 LAKE WATERSHED



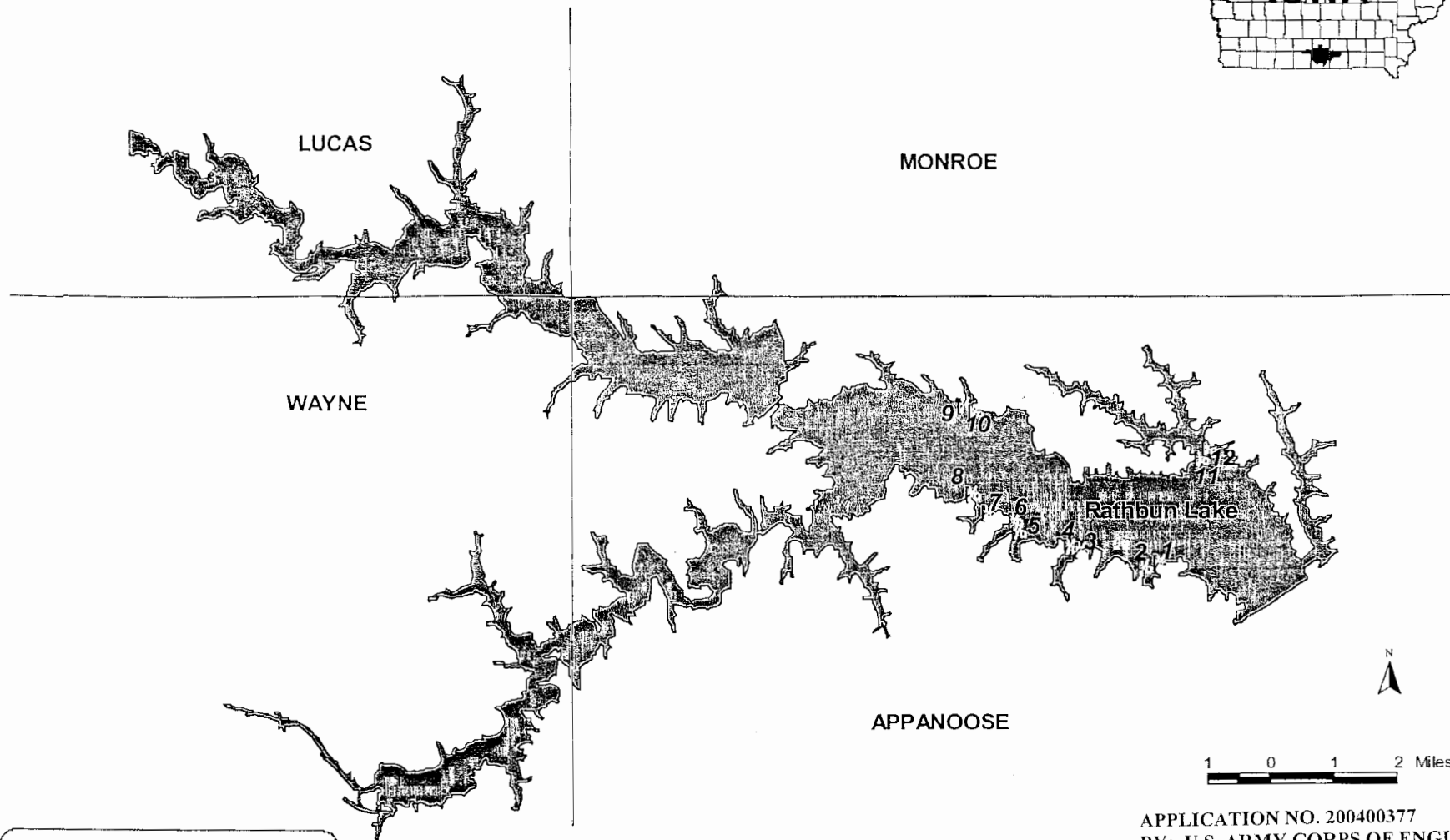
PLAN VIEW - UPLAND POND (ACTIVITY #1 - TYPICAL)



NOT TO SCALE




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 SHEET 2 of 4

Potential Sites for Shoreline Enhancement Work
Rathbun Lake
South Central Iowa



1 0 1 2 Miles

LEGEND

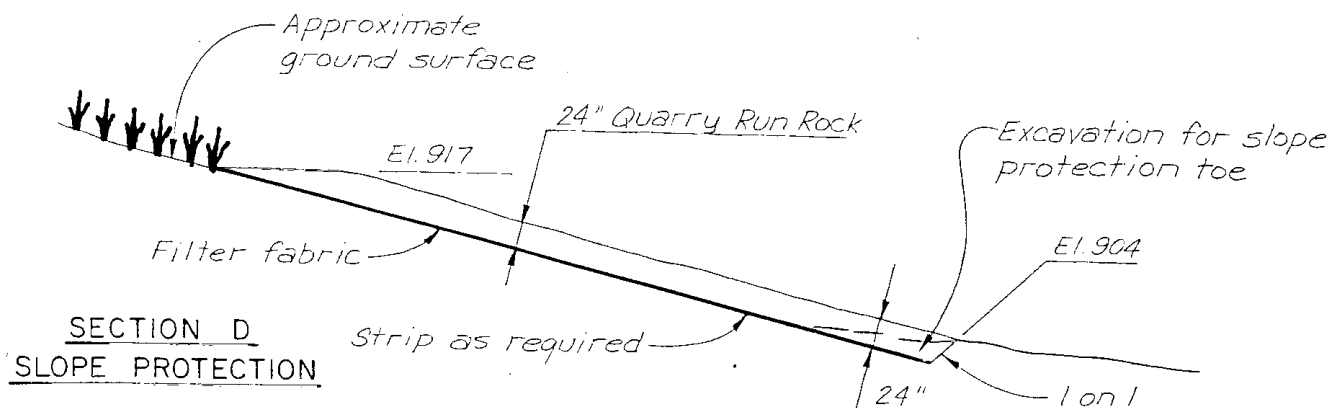
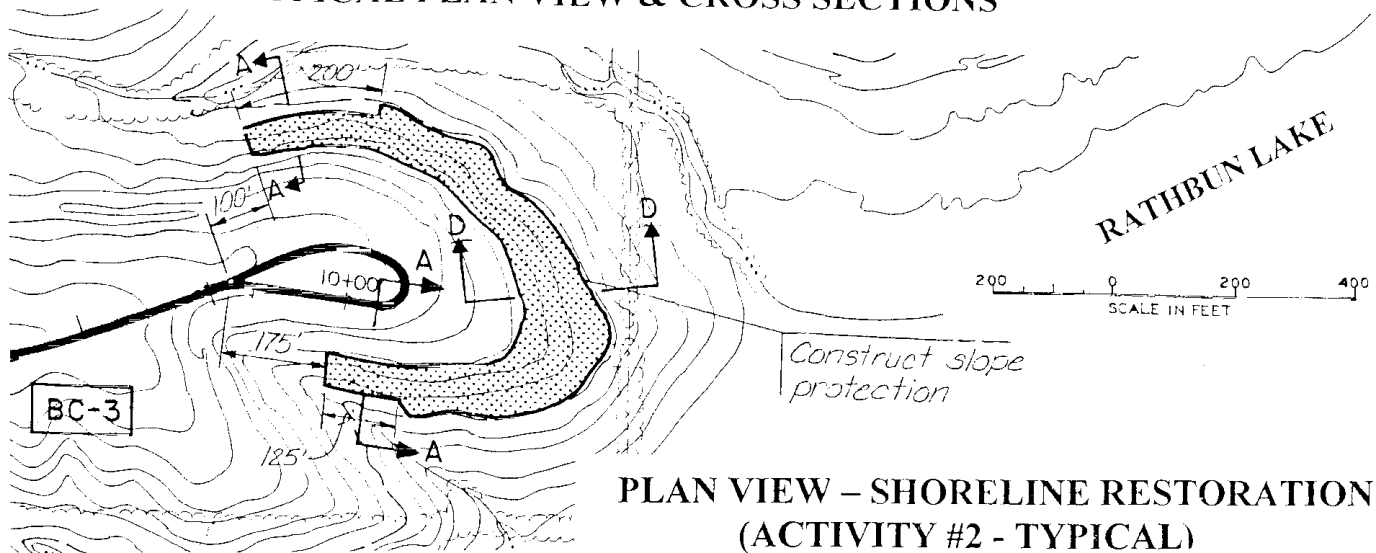
-  County Boundaries
-  Potential Sites for Shoreline Enhancement Work
-  Rathbun Lake (926 Ft. Pool Elevation)

PROJECT LOCATION

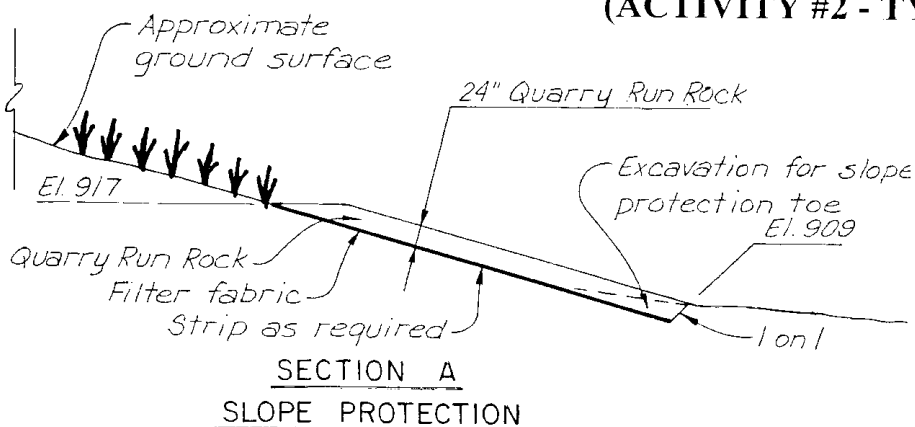
ACTIVITY #2 - PROPOSED SHORELINE
RESTORATION AT TWELVE (12)
SITES ON RATHBUN LAKE

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SHEET 3 of 4

ACTIVITY #2 - PROPOSED SHORELINE RESTORATION TYPICAL PLAN VIEW & CROSS SECTIONS



CROSS SECTIONS - SHORELINE RESTORATION (ACTIVITY #2 - TYPICAL)



↓↓↓ - vegetation plantings

RATHBUN LAKE
 Ordinary High Water Mark - elevation 907.0 feet, mean sea level
 Multi-purpose Pool - elevation 904.0 feet, mean sea level

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